

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RHASEAN MARTEZ
ARBITTER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JENNIFER V ARBITTER,

Respondent-Appellant.

UNPUBLISHED

August 10, 2006

No. 266928

Wayne Circuit Court

Family Division

LC No. 96-347618-NA

Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

Respondent Jennifer Arbitter appeals as of right from the trial court order terminating her parental rights to the minor child.¹ We affirm. This appeal is being decided without oral argument.²

The trial court did not clearly err in finding that the statutory grounds for termination had been established by clear and convincing evidence.³ The principal condition that led to adjudication was Arbitter's substance abuse problem. The evidence established that Arbitter failed to submit half of all required drug screens and submitted a screen that was positive for alcohol just one month before the start of trial. In addition, there was evidence presented that Arbitter had failed to secure employment or obtain suitable housing, and she failed to attend all

¹ MCL 712A.19b(3)(c)(i) (authorizing termination when adjudicating conditions continue to exist); MCL 712A.19b(3)(g) (authorizing termination for failure to provide proper care or custody); MCL 712A.19b(3)(i) (authorizing termination when parental rights to one or more siblings of child have been terminated and prior attempts to rehabilitate parent have been unsuccessful).

² MCR 7.214(E).

³ MCR 3.977(J); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993).

individual counseling sessions. Moreover, Arbitter admitted at trial that her parental rights to an older sibling of the minor child were terminated in 1997.

Further, the evidence did not show that termination of Arbitter's parental rights was clearly not in the child's best interests.⁴ The child indicated that he loved his mother. And the child's attorney argued below that the child was bonded with an older, teenaged sibling, from whom the child would be separated if Arbitter's parental rights were terminated. However, the record indicates that the child was initially brought before the court on allegations of sexual abuse by the older sibling, making continued contact with the sibling questionable. Other testimony demonstrated that Arbitter still struggles with her drug addiction, cannot support a child, and is unable to provide the child with the permanency and stability he deserves. The foster care worker testified that the child was young, lovable, had no major behavioral or emotional problems, and was very likely to be adopted. Thus, the trial court did not clearly err in terminating Arbitter's parental rights to the child.

Affirmed.

/s/ William C. Whitbeck
/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder

⁴ MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).